Remarks

The present response is to the Office Action mailed in the above-referenced case on July 19, 2005. Claims 1-38 are presented below for examination. Claims 16-24 are rejected under 35 U.S.C. 101. Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph. Claims 1-2, 4-8, 10, 12, 16-20 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by KR 2002028526 (hereinafter KR). Claims 1-5, 7-8, 10-18, 20 and 22-38 are rejected under 35 U.S.C. 102(b) as being anticipated by Huerta (US 2003/0200185) hereinafter Huerta. Finally, claims 9 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huerta in view of Reuhl et al. (US 5,873,069) hereinafter Reuhl.

In response to the rejections and comments provided by the Examiner, applicant herein amends the claims to overcome the rejections, more particularly pointing out the subject matter in the claims deemed patentable by applicant over the art provided by the Examiner.

Regarding the 101 rejection of claims 16-24, applicant herein amends claim 16 to include structure and hardware in accordance with the Examiner's requirements.

Regarding the 112 rejection of claims 1-15, applicant herein amends claim 1 to clarify the objected language of "and/or" as required by the Examiner.

Regarding the 102 rejection as anticipated by KR, applicant herein argues that the extent of the reference provided by the Examiner is inadequate for the applicant to accurately respond to the claims. The drawing of KR is submitted to applicant in a foreign language and put an unfair burden on the applicant to adequately respond. There is absolutely no enabling disclosure of the KR reference submitted to applicant. Applicant also argues that because the Examiner has not addressed certain portions and teachings of the KR reference in the detail required to assert a valid prima facie case of anticipation. The abstract and one page detailed description of KR fails to teach the majority of applicant's claims rejected. Therefore, applicant asserts that the KR reference be removed, or the entire English translation be submitted to applicant with adequate comments from the Examiner.

Further, applicant herein amends the independent claims to positively recite selecting and utilizing a pricing data model in calculating and providing pricing to requestors. The KR reference fails to teach such a model. Applicant's claims are easily patentable over the KR reference as argued above.

Regarding the 102 rejection of Huerta, applicant herein amends independent claims 1, 16, 25 and 32 to positively recite that the server node receives requests for pricing, accesses at least one pricing data model having associated rules created for pricing factors used in at least one pricing sequence to price an item or items of the request and uses the pricing application to calculate the correct pricing results including sub totals and total amounts for the request based on sorting and conflict resolution of the rules accessed for each factor, according to the selected model.

Applicant's invention provides a marked improvement in the art by utilizing stored pricing models accessible in a database. Using the models as claimed provides a more-flexible pricing engine that can produce complex pricing information faster using less computational resources and storage space than prior-art pricing systems. With the advent of object orientation, including model representation of real data, it has occurred to the inventors that far more complex pricing strategies for varied clients can be applied in a much less process-intensive manner than in the prior-art systems. For the first time applicant provides a method and apparatus that can produce correct and accurate pricing presentations for purchase orders and general pricing sheets, lists, and reports using complex strategies in a timely manner agreeable to real-time order processing. A system using the modeling structure as claimed would be less process intensive, take less overall time processing orders and could also provide the enterprise with order, or product-specific profit margin reports, client segregated profit-margin reports, and profit reporting averaged over large sectors of differing products, services, and client types.

Huerta teaches a system wherein individual contracts 80 are created and stored for each party potentially requesting pricing. If a contract is not specified for an identified customer than a default process is enacted wherein all rules that apply to a specific product are accessed, then a variety of constraint processes are used to eventually arrive at the rules needed to calculate the final price ([0040]). Huerta also teaches pricing schemes 70 which determines which rules apply to which product ([0039]).

Applicant argues that the contracts and pricing schemes as taught in Huerta do not read on the data pricing models as taught and claimed in applicant's invention. Pricing model 200 (Fig. 2), as disclosed in applicant's invention, is a data model that follows a model framework and is executable according to specific rules that are related to specific pricing scenarios. Model 200 can import pricing attributes and rules from existing enterprise models and can be updated and configured using newly defined attributes and information. Model framework 201 of model 200 includes a product hierarchy structure and a sales hierarchy structure. In applicant's invention all requests are handled by a selected data pricing model which alleviates the need for accessing all rules and processing requirements as taught in Huerta. As argued above, applicant's system and method of utilizing data pricing models greatly diminishes processing time allowing for real time order processing.

Applicant therefore believes that the independent claims, 1, 16, 25 and 32 as amended, clearly and unarguably distinguish over the invention of Huerta as argued above by applicant. Depending claims 2-15, 17-24, 26-31 and 33-38, are then patentable on their own merits, or at least as depended from a patentable claim.

As all of the claims standing for examination are now patentable as amended and argued by applicant over the art of record, applicant respectfully requests that the present case be passed quickly to issue. If there are any time extensions needed beyond any extension specifically requested with this amendment, such extension of time is hereby requested. If there are any fees due beyond any fees paid with this amendment, authorization is given to deduct such fees from deposit account 50-0534.

Respectfully Submitted,
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